

REMARKS

The following claims are pending in the application: 1 – 8, 10, 11, and 21 – 23

The following claims have been amended: 3 and 8

The following claims have been deleted: Not applicable

The following claims have been added: Not applicable

As a result of the foregoing Amendment, the following claims remain pending in the application: 1 – 8, 10, 11, and 21 – 23.

Double Patenting Rejection

The Examiner rejects claims 1 – 8, 10, 11, and 21 – 23 under the judicially created doctrine of obviousness-type double patenting as being unpatentable respectively over the claims of U.S. Pat. Nos. 6,112,473; 6,349,509; and 6,655,095 in view of Elmore et al 4,091,142 taking the position that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the laminate of 6,112,473; 6,349,509; and 6,655,095 respectively by forming it as including a gel layer, a ceramic-resin layer, and a resin-fiberglass layer, as taught by Elmore et al., in order to increase the strength and fire resistance of the laminate and thereby the housing structure.

Applicant respectfully submits that the present double patenting rejection is provisional as no allowable claims have yet been identified. Accordingly, Applicant has not submitted a terminal disclaimer at this juncture, with the understanding that this issue may require further consideration after the identification of at least one allowable claim.

The Rejection Under 35 U.S.C. §112, second paragraph

The Examiner rejects claims 8 and 12 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner takes the position that the phrase "grid like" is improper and renders the claims as vague and indefinite – suggesting the phrase "grid" as a suitable substitute.

Applicant has amended claims 3 and 8 to more accurately claim the subject matter of the present invention. Specifically, Applicant has amended the claims to remove the phrase "grid like", replacing it with the phrase "resembling a grid". Applicant respectfully submits that "resembling a grid" is fully supported by the prior disclosure of "grid like". Accordingly, the Examiner's outstanding rejection may be properly withdrawn.

The Rejection Under 35 U.S.C. §102(b)

The Examiner rejects claims 1 – 8, 10, 11, and 21 – 23 under 35 U.S.C. §102(b) as being anticipated by Elmore et al. (US Pat. No. 4,091,142). The Examiner takes the position that Elmore et al. sets forth a house (illustrated in Figure 1) comprised of a plurality of modular units connected together; frames; and a plurality of laminate exterior panels comprising a gel layer, a ceramic-resin layer, and a resin-fiberglass layer.

Applicant respectfully submits that the Examiner's outstanding rejection of claims 1 – 8, 10, 11, and 21 – 23 may be properly withdrawn as the Elmore fails to teach each and every element of the rejected claims. Applicant notes with

disfavor that the Examiner fails to explicitly identify the equivalent elements of Elmore that allegedly correlate with the elements of claims 1 – 8, 10, 11, and 21 -23.

Claim 1 recites a house comprising: (a) plurality of modular units connected together; (b) a plurality of exterior panels molded to replicate the look of a predetermined building material, each exterior panel being a laminate comprising a ceramic-resin layer. Applicant respectfully submits that Elmore fails to teach or suggest an exterior panel comprising a ceramic-resin layer. In fact, the Examiner fails to identify such a layer (or identify a plurality of modular units connected together) in the Office Action of October 14, 2004. Elmore teaches and only teaches a panel constructed from a first side skin and a second side skin sandwiching cured polyurethane foam or other suitable cured foamable resin compound therebetween. As taught by Elmore, the side skins are a laminate having the following structure: a gel coat layer, a layer of polyester resin, a layer of fiber glass strands, a second layer of polyester resin, and a second layer of fiber glass strands. See column 4. Thus, Elmore fails to teach or suggest a laminate comprising a ceramic-resin layer. Accordingly, as Elmore fails to teach each and every element of the claim, it cannot fairly be said to anticipate claim 1. Therefore, Applicant respectfully submits that the Examiner's outstanding rejection of claim 1 may be properly withdrawn.

Claim 3, as presently amended and dependent from claim 1, recites that the exterior panel additionally comprises a ceramic-resin layer deposited in a pattern of intersecting lines of ceramic-resin material so as to resemble a grid. The Examiner fails to identify a grid structure in the Office Action of October 14, 2004. Elmore teaches that the various layers are sprayed on top of one another as depicted in Figures 3a through 3f. That is to say, a layer is deposited by spraying adjacent swaths of material until the lower

layer is covered. Thus, Elmore fails to teach depositing a layer as intersecting lines of material. Accordingly, as Elmore fails to teach each and every element of the claim, it cannot fairly be said to anticipate claim 3. Therefore, Applicant respectfully submits that the Examiner's outstanding rejection of claim 3 may be properly withdrawn.

Claim 4, dependent from claim 1, recites a house further comprising insulation between an exterior panel and a modular unit. The Examiner fails to identify a modular unit in Elmore, or the appearance of insulation between a modular unit and an exterior panel. Elmore fails to teach insulation between an exterior panel and a modular unit. Accordingly, as Elmore fails to teach each and every element of the claim, it cannot fairly be said to anticipate claim 4. Therefore, Applicant respectfully submits that the Examiner's outstanding rejection of claim 4 may be properly withdrawn.

Claim 5, dependent from claim 1, recites that an exterior panel is a unitary wall unit attached to one of the modular units. The Examiner fails to identify a modular unit in Elmore upon which a panel is attached. In fact, Elmore fails to teach the attachment of a panel to a modular unit. Accordingly, as Elmore fails to teach each and every element of the claim, it cannot fairly be said to anticipate claim 5. Therefore, Applicant respectfully submits that the Examiner's outstanding rejection of claim 5 may be properly withdrawn.

Claim 6, dependent from claim 1, recites that the exterior panel is formed from an inert fire-resistant material. As discussed above, the inventive panel comprises a ceramic-resin layer not taught by Elmore nor pointed out by the Examiner. Accordingly, as Elmore fails to teach each and every element of the claim, it cannot fairly be said to anticipate claim 6. Therefore, Applicant respectfully submits that the Examiner's outstanding rejection of claim 6 may be properly withdrawn.

Claim 7, dependent from claim 6, recites that the modular unit comprises a frame built from steel. As discussed above, the Examiner fails to identify a modular unit, much less one comprising a frame built from steel. Further, Elmore fails to teach a modular unit comprising a frame built from steel. Accordingly, as Elmore fails to teach each and every element of the claim, it cannot fairly be said to anticipate claim 7. Therefore, Applicant respectfully submits that the Examiner's outstanding rejection of claim 7 may be properly withdrawn.

Claim 8, as presently amended and dependent from claim 1, recites that the exterior panel additionally comprises a resin-fiberglass layer deposited in a pattern of intersecting lines of resin-fiberglass material so as to resemble a grid. As discussed above, the Examiner fails to identify a grid structure in the Office Action of October 14, 2004. Further, the Examiner fails to identify where in Elmore that it discloses a panel having both a ceramic-resin layer and a resin-fiberglass layer. As Elmore fails to teach such a structure, it cannot fairly be said to anticipate claim 8. Therefore, Applicant respectfully submits that the Examiner's outstanding rejection of claim 8 may be properly withdrawn.

Claim 10, dependent from claim 1, recites a modular roof frame connected to at least one modular unit. The Examiner fails to identify a modular roof frame or a modular unit in Elmore. As Elmore fails to teach such a structure, it cannot fairly be said to anticipate claim 10. Therefore, Applicant respectfully submits that the Examiner's outstanding rejection of claim 10 may be properly withdrawn.

Claim 21, dependent from claim 1, recites that an exterior panel additionally comprises a resin-fiberglass layer. The Examiner fails to identify a panel in Elmore

comprising a ceramic-resin layer and a resin-fiberglass layer. As Elmore fails to teach such a structure, it cannot fairly be said to anticipate claim 21. Therefore, Applicant respectfully submits that the Examiner's outstanding rejection of claim 21 may be properly withdrawn.

Claim 22, dependent from claim 1, recites that the exterior panel additionally comprises a gel coat layer. The Examiner fails to identify a panel in Elmore comprising a gel coat layer and a ceramic-resin layer. As Elmore fails to teach such a structure, it cannot be said to anticipate claim 22. Therefore, Applicant respectfully submits that the Examiner's outstanding rejection of claim 22 may be properly withdrawn.

Claim 2, dependent from claim 22, recites that the gel coat layer comprises a ceramic filler. The Examiner fails to identify a gel coat layer in Elmore comprising a ceramic filler, much less such a layer in conjunction with a ceramic-resin layer. As Elmore fails to teach such a structure, it cannot fairly be said to anticipate claim 2. Therefore, Applicant respectfully submits that the Examiner's outstanding rejection of claim 2 may be properly withdrawn.

Claim 23, dependent from claim 22, recites that the gel coat layer is in contact with the ceramic-resin layer. The Examiner fails to identify not only a ceramic-resin layer, but also fails to indicate where in Elmore such a disclosure allegedly exists. As Elmore fails to teach such a structure, it cannot fairly be said to anticipate claim 23. Therefore, Applicant respectfully submits that the Examiner's outstanding rejection of claim 23 may be properly withdrawn.

CONCLUSION

In view of the foregoing amendment and accompanying remarks, the Applicant respectfully submits that the present application is properly in condition for allowance and may be passed to issuance upon payment of the appropriate fees.

Telephone inquiry to the undersigned in order to clarify or otherwise expedite prosecution of the subject application is respectfully encouraged.

Respectfully submitted,

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